

## REMARKS

In the office action dated May 17, 2007, the Office rejected claims 2-20 under 35 U.S.C. 103(a) as being unpatentable over Weiss. Reconsideration of the present application is respectfully requested in light of the above amendment and the following remarks.

### **Rejection of Claim 2 Under 35 U.S.C. 103(a):**

On pages 2 and 3 of the office action, the Office rejected the following claim element in old claim 2: “an apparatus comprising: … a wireless local interface adapted to communication with said at least one portable unit when said at least one portable unit is located within a domain” by this reason: “see col. 8 lines 10-20, Weiss discloses a portable device located in close proximity to a host.” The quoted paragraph in Weiss is copied below:

“In the form of the invention where the goal is to grant access 90 to data stored in one or more host computers remote from the first computers issued to authorized users, an **access control means** 50 is typically located in **close physical proximity** to such remotely located **host** computers such as in a host computer room.” (col. 8, lines 10-20; emphasis added)

The above paragraph discloses that the access control means is in close physical proximity to host computers. Weiss also states: “The access control means 50 **may be portable** such that it may be carried by a security guard stationed at a central access location in a guarded building or other facility.” (col. 8, lines 22-25; emphasis added). These indicate that the Office considers the access control means as the claimed “portable device” and the host computer as the claimed “apparatus.”

Claim 2, as amended, recites the delivery of non-deterministic digital content between the portable unit and the apparatus using the local interface. However, there is no teaching or suggestion in Weiss that a non-deterministic digital content is passed between the access control means and the host computer. Note that the host computer is not the “1st computer” (reference numeral 20) shown in the drawings (Figs. 1A, 1B and 2) of Weiss. None of the drawings (and corresponding text) shows data communication between the access control means and the host

computer, let alone passing non-deterministic digital contents between them. Note that the host computer is not associated with a reference numeral in the specification and is not shown in the drawings.

Further, the access control means is not far from the host computers such that a wide area interface should be used. For example, Weiss states:

- (1) “an access control means 50 is typically located in close physical proximity to such remotely located host computers such as in a host computer room.” (col. 8, lines 13-15).
- (2) “The access control means 50 may be portable such that it may be carried by a security guard stationed at a central access location in a guarded building or other facility.” (col. 8, lines 22-25).

Thus the access control means and the host computer are in the same building. There is no need to use wide area interfaces for communication because it will add cost while reduce speed when compared to local communication. As a result, Weiss teaches away from using wide area network for communication between the portable device and apparatus, as recited in claim 2.

Because of the significant differences between Weiss and claim 2, claim 2 is patentable over Weiss.

**Rejection of Claim 12 Under 35 U.S.C. 103(a):**

Claim 12 recites “delivering at least one of the digital contents by the one of the apparatus and the portable unit to another of the apparatus and the portable unit.” As discussed above in connection with claim 2, Weiss does not teach or suggest this limitation.

Claim 12 also recites “using the at least one of the digital contents as identification in communication between the apparatus and the portable unit via the wide area network.” As

discussed above in connection with claim 2, Weiss does not teach or suggest the wide area network limitation in the claim.

As a result of the significant differences between Weiss and claim 12, claim 12 is patentable over Weiss.

**Rejection of Other Claims Under 35 U.S.C. 103(a):**

Other claims depend from claims 2 or 12. They are patentable on at least the same basis.

**Conclusion:**

Applicant believes that all grounds of rejection have been satisfactorily answered. The allowance of the present application is respectfully urged.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required, and to credit any overpayment, to Deposit Account No. 03-1243 (Our Docket No. LOCREM-01).

Respectfully submitted,

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